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Attorney for Plaintiffs CALIFORNIA COALITION
OF UNDRESSED PERFORMERS ("C-CUP") AND
4 EXOTIC DANCERS

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CV 08-04038 ABC (SSx)

THE CALIFORNIA COALITION OF
UNDRESSED PERFORMERS; 4
EXOTIC DANCERS; and ALL
SIMILARLY SITUATED INDIVIDUALS,

Plaintiffs,

vs.

SPEARMINT RHINO; BARE ELEGANCE;
CENTURY LOUNGE; CRAZY GIRLS;
DEJA VU SHOWGIRLS; FANTASY
ISLAND; 4 PLAY; JET STIP; PLAYPEN;
RIO; ROUGE; SAM'S HOF BRAU;
SCORES; SEVENTH VEIL; SILVER REIN;
STAR STRIP; STAR STRIP TOO; STARZ
and the WILD GOOSE

Defendants.

No.

COMPLAINT FOR DAMAGES,
INJUNCTIVE, DECLARATORY
RELIEF AND ATTORNEY'S FEES
PURSUANT TO:

FSLA, 29 U.S.C. §§ 201-209;
CAL. LABOR CODE §§ 1194, 98.3;
CAL. LABOR CODE § 351;
CAL. BUS & PROF. CODE §§ 17200,
et seq.

JURY TRIAL DEMANDED

This is a class action.

Plaintiffs hereby allege:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331, as this action arises under the laws of the United States as it alleges violations of the Fair Labor Standards Act, 29 U.S.C. §§ 201-209.

2. Venue is proper in the Central District of California because all Defendants are subject to personal jurisdiction there as provided in 28 U.S.C. § 1391(c). Further, a substantial part of the events or omissions set forward in this Complaint occurred in the Central District, 28 U.S.C. § 1391(a)(2).

II. PARTIES

3. Plaintiff California Coalition of Undressed Performers ("C-CUP") is an association of female exotic dancers who work at a number of Defendant nightclubs. Some of the nightclubs offer totally nude entertainment, while others offer topless entertainment and others offer bikini dancers.

4. Plaintiffs Exotic Dancers 1 through 4 have all worked in at least one of the following Defendant nightclubs within the past three years. Because they fear retaliation from their employers, they sue by these fictitious names.

5. Plaintiff Exotic Dancer No. 1 has worked at the following clubs: Deja Vu Showgirls (North Hollywood); Spearmint Rhino (Los Angeles, Torrance, Van Nuys); Rio; Rouge (Los Angeles, Van Nuys); and Silver Rein (Los Angeles).

6. Plaintiff Exotic Dancer No. 2 has worked at the Spearmint Rhino in Los Angeles.

7. Plaintiff Exotic Dancer No 3 has worked at the Scores nightclub.

8. Plaintiff Exotic Dancer No. 4 has worked at the Wild Goose.

9. Plaintiffs sue on their behalf and as class representatives for all female exotic dancers who have worked at Defendants' clubs for the past four years from date of the filing of this Complaint.

10. Defendant Spearmint Rhino operates four nightclubs in Los Angeles, County in the following cities: Los Angeles, City of Industry, Van Nuys and Torrance. The Spearmint Rhino's Los Angeles, Industry and Van Nuys Clubs offer totally nude entertainment. The Torrance club offers topless entertainment.

1 11. Defendant Bare Elegance is located in Hawthorne and offers totally
2 nude entertainment.

3 12. Defendant Century Lounge is located in Los Angeles and offers
4 totally nude entertainment.

5 13. Defendant Crazy Girls is located in Hollywood and offers Bikini
6 dancing entertainment.

7 14. Defendant Deja Vu Showgirls operates two nightclubs in the
8 following cities: North Hollywood and City of Industry. Both Deja Vu Showgirls
9 clubs offer totally nude entertainment.

10 15. Defendant Fantasy Island is located in Los Angeles and offers bikini
11 dancing entertainment.

12 16. Defendant 4-Play is located in Los Angeles and offers totally nude
13 entertainment.

14 17. Defendant Jet Strip is located in Lennox and offers totally nude
15 entertainment.

16 18. Defendant Playpen is located in Los Angeles and offers totally nude
17 entertainment

18 19. Defendant Rio is located in Los Angeles and offers totally nude
19 entertainment

20 20. Defendant Rouge is located in Van Nuys and offers totally nude
21 entertainment.

22 21. Defendant Sam's Hof Brau is located in Los Angeles and offers
23 topless entertainment.

24 22. Defendant Scores is located in Los Angeles and offers totally nude
25 entertainment.

26 23. Defendant Seventh Veil is located in Hollywood and offers totally
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1 nude entertainment.

2 24. Defendant Silver Reign is located in Los Angeles and North
3 Hollywood and offers totally nude entertainment.

4 25. Defendant Star Strip is located in Los Angeles and offers totally nude
5 entertainment.

6 26. Defendant Star Strip Too is located in Los Angeles and offers totally
7 nude entertainment.

8 27. Defendant Starz is located in Gardena and offers totally nude
9 entertainment.

10 28. Defendant Wild Goose is located in Inglewood and offers topless
11 entertainment.

12 29. Each of the Defendants offer adult entertainment and charges
13 admission for entrance into the clubs. At some of the clubs, female exotic dancers
14 dance totally nude on stage, and also provide either lap or table dances. The
15 dancers generally receive tips for dancing on stage, and charge a set fee for lap
16 dances which generally range between \$20 and \$40 per song. At other clubs
17 female dancers dance topless or in bikinis on stage and also provide either lap
18 dances or table dances for a fee set by the club,

19 30. Defendants violate the Federal Fair Labor Standards Act ("FLSA")
20 and California minimum wage laws in that they do not pay the dancers any wages
21 for working in the clubs. Instead, the clubs charge the dancers a nightly "stage
22 fee" to work at the club. Some of the clubs also force the dancers to tip other club
23 employees (e.g., the bartenders, waitresses, d.j., bouncers, etc.). Some of the clubs
24 also force the dancers to kick up to 50 percent of their tips back to the club.
25 Defendants attempt to give their practices the appearance of legality by
26 considering the dancers to be "independent contractors." In reality, the dancers
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1 are really unpaid employees. Defendants also attempt to insulate themselves from
2 liability by requiring the dancers to sign employment agreements that declare
3 themselves to be "independent contractors" and giving up any rights to bring any
4 legal actions against them in court. These "agreements" are forced upon the
5 dancers under duress and are void and of no legal effect. The provisions of the
6 FLSA are non-waivable and may not be abridged by contract.

7 **FIRST CAUSE OF ACTION**

8 **(Fair Labor Standards Act, 29 U.S.C. §§ 201-2090)**

9 **(Against Defendants Spearmint Rhino; Deja**

10 **Vu Showgirls; Rio; Rouge; Silver Rein; Scores; and the Wild Goose.)**

11 31. The allegations set forth above in Paragraphs 1 through 30, inclusive,
12 are incorporated into this cause of action by reference as if set forth in full.

13 32. The fact that the nightclubs have contracts with the dancers that say
14 they are "independent contractors" does not establish this fact.

15 33. In the nightclubs, the Defendants completely control the manner in
16 which the dancers do their work. Exotic dancing is not a business where profit
17 and loss are dependent on the dancers' management skills. Further, the services
18 rendered by the dancers are an integral part of the Defendants' business.

19 34. The dancers are employees of the Defendants and are engaged in
20 commerce.

21 35. Plaintiffs are informed and believes that each Defendant has gross
22 sales of at least \$500,000.

23 36. By doing the things alleged herein, Defendants violated the FLSA,
24 and acted in bad faith, and in reckless disregard of Plaintiffs' rights knowing full
25 well that their actions violated the FLSA.

26 37. Unlike the remaining cause of action, this cause of action is not a
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